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In re Application of

Juha RANTALA

Application No.: 10/563801

PCT No.: PCT/FI2004/000440

Int. Filing Date: 08 July 2004

Priority Date: 08 July 2003

Attorney's Docket No.: LAIN-080

For: LOW-K-DIELECTRIC MATERIAL

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: DECISION ON
:
: PETITION
:
: UNDER 37 CFR 1.181
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This decision is in response to the "REQUEST FOR CORRECTED FILING RECEIPT," filed on 01 June 2007, which is being treated as a petition under 37 CFR 1.181 requesting that the 371(c)(1), (c)(2), and (c)(4) date of the above application be corrected to September 20, 2006.

BACKGROUND

On 09 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration was filed on such date.

On 02 February 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicants, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date must be submitted within two (2) months from the date of this Notice or 32 months from the priority date of the application. Failure to properly will result in abandoned.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 02 February 2007, applicants filed on 05 March 2007 an executed declaration.

On 10 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 05 March 2007.

On 01 June 2007, applicants filed this petition indicating that the correct 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) date is 20 September 2006 as evidence by the USPTO stamped postcard.

DISCUSSION

Applicant's present petition accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the PTO as indicated in the stamped postcard:

- (1) Declaration
- (2) Assignment with Recordation

The postcard lists the above items and bears a USPTO date of stamp as 20 September 2006.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that the executed declaration was deposited with the U.S. Patent and Trademark Office on 20 September 2006.

Accordingly, the date of receipt for the Specification is 20 September 2006.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 10 May 2007 is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **20 September 2006**.



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